

State Employment Law Tracker, ¶20,104D, Non-essential businesses ordered closed — WEST VIRGINIA — State news, (Mar. 30, 2020)

To further combat the spread of COVID-19 in West Virginia, Governor Jim Justice issued a “Stay At Home” Order on March 23, 2020, directing all West Virginia residents to stay at home and limit movements outside of their homes beyond essential needs.

The Order, Executive Order No. 9-20, is in effect as of March 24, 2020, at 8:00 p.m. and will remain in effect until terminated by subsequent executive order.

Under the Order, all non-essential businesses and operations must temporarily cease operations.

In addition to those businesses directed to close or limit occupancy pursuant to previous executive orders, all businesses and operations in West Virginia except for essential businesses and operations are required to cease all activities within the state except for minimum basic operations as is necessary to maintain the value of the business’s inventory, preserve the condition of the business’s physical plant and equipment, ensure security, process payroll and employee benefits, or related functions, and the minimum necessary activities to enable the employees of the business to be able to continue to work remotely from their residences.

Businesses such as home-based businesses may continue to operate, so long as employees or contractors of the business perform activities from their own residences.

Small businesses that do not invite in the general public and which have 5 or fewer employees in the office may continue to operate but must ensure that proper social distancing and hygiene practices are maintained.

Essential businesses and operations are to remain open. “Essential Businesses and Operations” are as defined by the U.S. Department of Homeland Security’s Cybersecurity and Infrastructure Security Agency’s March 19, 2020, Memorandum on identification of essential critical infrastructure workers.

West Virginians should not:

- Go to work unless you are providing essential services or work for an essential business as defined by the Order
- Visit friends and family if there is no urgent need
- Maintain less than six feet of distance from others when you go out
- Visit loved ones in the hospital, nursing home, skilled nursing facility, or other

Answers to “Frequently Asked Questions” (FAQs) can be found here.

Source: State of West Virginia, Office of the Governor, Press Release, March 23, 2020.